COURT NO.3

Criminal revision no. 1110 of 1999- old number
297 of 2001- new number

Mohan Singh Rawat ----------Revisionist

Versus

Smt. Kamla Rawat ----------Respondent

Hon'ble Irshad Hussain, J.

This is a revision against the judgment and order dated 1.5.1999 passed by the Principal Judge, Family Court, Nainital, whereby the application of the respondent-wife for maintencance under section 125 Cr.P.C. was allowed and the revisionist-husband was directed to pay maintenance allowance of Rs. 500/- per month. He was saddled with the liability to pay the arrears of maintenance allowance with effect from 1.1.1999.

Heard Ms. Seema Sirohi, counsel for the revisionist-husband and Sri B.D.Upadhyaya, counsel for the respondent-wife.

The learned counsel for the revisionist submitted that the order directing the payment of arrears of maintenance is not based on proper appraisal of the facts and circumstances of the case and that considering the financial status of the revisionist, who is a daily wage earner, the direction to pay the arrears of maintenance need to be modified. Considering the fact that the husband revisionist was directed to pay the arrears of only five months, the revisionist was not burdened with huge financial liability. Moreover, the amount of Rs.500/- per month as maintenance is quite meager, and therefore, there are no cogent reasons to interfere with the impugned order. There is no merti in the revision and the same is dismissed accordingly. The stay order dated 27.5.1999 is vacated.

(Irshad Hussain, J.)

07.09.2002
MPS

Criminal Revision No. 297 of 2001
(Old No. 1110/1999)

Hon. Irshad Hussain, J.

This is correction application . perused the judgment of the trial court. Correction is allowed. Let the order be corrected accordingly.

(Irshad Hussain, J.)

27.9.2002